

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1143S.11P  
 Bill No.: Perfected SS No. 2 for SCS for SB 262  
 Subject: Licenses - Drivers; Motor Fuel; Motor Vehicles; Public Service Commission;  
 Revenue, Department of; Sexual Offenses; Taxation and Revenue - General;  
 Transportation; Transportation, Department of; Utilities  
 Type: #Updated  
 Date: April 6, 2021  
 #To update the fully implemented fiscal impact and to add updated response- OA

---

Bill Summary: This proposal modifies provisions relating to transportation.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2022 (9 Mos.)	FY 2023	FY 2024	Fully Implemented (FY 2027)
General Revenue*	(Could exceed \$2,213,544)	(Could exceed \$1,147,756)	(Could exceed \$1,161,534)	(Could exceed \$1,189,694)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$2,213,544)</b>	<b>(Could exceed \$1,147,756)</b>	<b>(Could exceed \$1,161,534)</b>	<b>(Could exceed \$1,189,694)</b>

\*The fiscal impact to General Revenue from FY 2023 through FY 2027 depends on the number of fuel tax refund applications submitted to the Department of Revenue. The numbers from FY 2022 through FY 2027 represent a range of 20% to 40% of potential refund applications submitted, resulting in a need of 23 additional Department of Revenue FTE to process the refunds. The number of refund applications could vary substantially.

The Department of Revenue estimates the gross amount of fuel tax from Section 142.803 of this proposal is anticipated to generate (before refunds) by fiscal year would be:

Table 2: Anticipated Gross Motor Fuel Tax Collections §142.803				
Fiscal Year	State Road Fund	County	Cities	Total
2022 (9 months)	\$56,257,336	\$9,247,781	\$11,559,726	\$77,064,843
2023	\$112,514,671	\$18,495,562	\$23,119,453	\$154,129,686
2024	\$187,524,452	\$30,825,937	\$38,532,422	\$256,882,811
2025	\$262,534,232	\$43,156,312	\$53,945,390	\$359,635,935
2026	\$337,544,013	\$55,486,687	\$69,358,359	\$462,389,059
#2027	\$375,048,903	\$61,651,875	\$77,064,843	\$513,765,621

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2022 (9 Mos.)	FY 2023	FY 2024	Fully Implemented (FY 2027)
Gaming Fund	(\$3,826)	(\$10,203)	(\$15,304)	(\$20,405)
Highway Fund	(\$30,608)	(\$81,621)	(\$122,431)	(\$163,241)
#State Road Fund	\$56,317,304	\$90,142,374 to \$101,393,841	\$142,732,602 to \$165,235,536	#\$225,458,329 to #\$300,468,109
Other State Funds	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<b>#Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Less than \$56,282,870</b>	<b>Less than \$90,050,550 to \$101,302,017</b>	<b>Less than \$142,594,867 to \$165,097,801</b>	<b>Less than #\$225,274,683 to #\$300,284,463</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
FUND AFFECTED	FY 2022 (9 Mos.)	FY 2023	FY 2024	Fully Implemented (FY 2027)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2022 (9 Mos.)	FY 2023	FY 2024	Fully Implemented (FY 2027)
General Revenue – DOR	23 FTE	23 FTE	23 FTE	23 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>23 FTE</b>	<b>23 FTE</b>	<b>23 FTE</b>	<b>23 FTE</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2022 (9 Mos.)</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Fully Implemented (FY 2027)</b>
<b>#Local Government</b>	<b>Less than \$20,829,687</b>	<b>\$33,340,331 to \$37,501,832</b>	<b>\$52,791,510 to \$61,114,513</b>	<b>#\$83,388,697 to #\$111,132,040</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

#Officials from the **Office of Administration - Budget and Planning (B&P)** assume the following regarding this proposal:

Section 142.803, RSMo, would create an additional motor fuel tax by \$0.025 per year starting October 2021, until the additional fuel tax reaches \$0.125. Table 1 shows the additional tax rate by year.

**#Table 1: Motor Fuel**

<b>Date (FY)</b>	<b>Additional Tax</b>	<b>Total Motor Fuel Tax</b>
10/21 - 06/22 (FY22)	\$0.025	\$0.195
07/22 - 06/23 (FY23)	\$0.050	\$0.220
07/23 - 06/24 (FY24)	\$0.075	\$0.245
07/24 - 06/25 (FY25)	\$0.100	\$0.270
07/25 and on (FY26+)	\$0.125	\$0.295

Based on FY 2020 motor fuel tax collections of \$698.7M, B&P estimates that 4,110.1M gallons of motor fuel were taxed. B&P notes that it is unknown how much FY 2020 collections were impacted by COVID-19 and what future permanent changes to fuel consumption will occur as a result of the pandemic. Using this estimate, B&P calculates that each \$0.025 increase in the motor fuel tax will generate \$102.7 million in revenue. Table 2 shows the estimated revenue impact for each fuel type by calendar year.

**#Table 2: Motor Fuel Tax Increase Revenue by Fiscal Year**

<b>Fuel Type</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
Gasoline	\$56,218,955	\$149,917,213	\$224,875,820	\$299,834,427	\$374,793,033	\$374,793,033
Diesel	\$20,845,888	\$55,589,035	\$83,383,553	\$111,178,070	\$138,972,588	\$138,972,588
<b>Total</b>	<b>\$77,064,843</b>	<b>\$205,506,248</b>	<b>\$308,259,373</b>	<b>\$411,012,497</b>	<b>\$513,765,621</b>	<b>\$513,765,621</b>

#Section 144.822, RSMo, would allow taxpayers to seek a refund for the additional tax created under Subsection 144.803.3. The refund shall be granted for motor vehicles driving on highways. B&P notes that per Article IV, Section 30(a) and Section 142.815, RSMo, other types of vehicles that use motor fuel (such as boats) are already exempt from motor fuel taxes. Refund claims may be made electronically and the claims shall not be transferred or assigned. Refund claims must be submitted between July 1<sup>st</sup> and September 30<sup>th</sup> of the year following the fiscal year from when the motor fuel was purchases. Subsection 142.822.5 requires DOR to pay

interest on any refunds not made within 45 days. Subsection 142.822.6 states that refund claims can only be made for vehicles up to 26,000 pounds.

#B&P is unable to determine the number of taxpayers who will apply for the fuel tax refund. B&P notes that while South Carolina has a similar provision, there are limits on the amount of refunds that may be claimed that may be artificially lowering their actual refund claims received. B&P notes that no such limits exist in this proposal. Therefore, B&P will reflect the impact from this section as 15% to 100% of qualified motor fuel tax purchase.

#B&P estimates that this proposal may increase fuel tax revenues by \$77,064,843 in FY 2022. B&P notes that fiscal year 2022 refunds would not be issued until FY 2023. Therefore, B&P estimates that motor fuel tax revenues may increase from \$127,447,522 to \$193,797,440 in FY 2023, depending on the number of refund claims. Once fully implemented in FY 2027, this proposal may increase motor fuel tax revenues by \$123,471,990 to \$455,221,577 annually. Table 3 shows the estimated revenue impact for both the additional motor fuel tax and refund claims.

**#Table 3: Motor Fuel Tax Increase Revenue by Fiscal Year**

Fuel Type	FY 2022	FY 2023		FY 2024	
		High Refunds	Low Refunds	High Refunds	Low Refunds
Motor Fuel Tax Revenue	\$77,064,843	\$205,506,248	\$205,506,248	\$308,259,373	\$308,259,373
Tax Exemption Refund	\$0	(\$78,058,726)	(\$11,708,809)	(\$156,117,452)	(\$23,417,618)
<b>Total Revenue</b>	<b>\$77,064,843</b>	<b>\$127,447,522</b>	<b>\$193,797,440</b>	<b>\$152,141,920</b>	<b>\$284,841,755</b>

**#Table 3: Motor Fuel Tax Increase Revenue by Fiscal Year (continued)**

Fuel Type	FY 2025		FY 2026		FY 2027	
	High Refunds	Low Refunds	High Refunds	Low Refunds	High Refunds	Low Refunds
Motor Fuel Tax Revenue	\$411,012,497	\$411,012,497	\$513,765,621	\$513,765,621	\$513,765,621	\$513,765,621
Tax Exemption Refund	(\$234,176,179)	(\$35,126,427)	(\$312,234,905)	(\$46,835,236)	(\$390,293,631)	(\$58,544,045)
<b>Total Revenue</b>	<b>\$176,836,318</b>	<b>\$375,886,070</b>	<b>\$201,530,716</b>	<b>\$466,930,385</b>	<b>\$123,471,990</b>	<b>\$455,221,577</b>

#Based on these calculations, B&P estimates that this proposal will generate \$56,257,336 for the State Road Fund and \$20,807,508 in local fuel funds in FY 2022. In FY 2023, this proposal may generate \$93,036,691 to \$141,472,131 for the State Road Fund and \$34,410,831 to \$52,325,309 in local fuel funds, depending on the number of refund claims received. Once fully implemented in FY 2027, this proposal may increase the State Road Fund by \$90,134,553 to \$332,311,751 and local fuel funds by \$33,337,437 to \$122,909,826 annually.

**#Table 4: Total Revenue Generated from Proposed Tax Increases**

State Fund	FY 2022	FY 2023		FY 2024	
		Low	High	Low	High
State Road Fund	\$56,257,336	\$93,036,691	\$141,472,131	\$111,063,602	\$207,934,481
<b>Local Funds</b>					
CART	\$9,247,781	\$15,293,703	\$23,255,693	\$18,257,030	\$34,181,011
Other	\$11,559,726	\$19,117,128	\$29,069,616	\$22,821,288	\$42,726,263
<b>Total Local</b>	<b>\$20,807,508</b>	<b>\$34,410,831</b>	<b>\$52,325,309</b>	<b>\$41,078,318</b>	<b>\$76,907,274</b>

**#Table 4: Total Revenue Generated from Proposed Tax Increases (cont.)**

State Fund	FY 2025		FY 2026		FY 2027	
	Low	High	Low	High	Low	High
State Road Fund	\$129,090,512	\$274,396,831	\$147,117,423	\$340,859,181	\$90,134,553	\$332,311,751
<b>Local Funds</b>						
CART	\$21,220,358	\$45,106,328	\$24,183,686	\$56,031,646	\$14,816,639	\$54,626,589
Other	\$26,525,448	\$56,382,911	\$30,229,607	\$70,039,558	\$18,520,799	\$68,283,236
<b>Total Local</b>	<b>\$47,745,806</b>	<b>\$101,489,239</b>	<b>\$54,413,293</b>	<b>\$126,071,204</b>	<b>\$33,337,437</b>	<b>\$122,909,826</b>

#B&P notes that Sections 142.803 and 144.822 will not impact TSR. B&P notes that under Article IV, Section 30(a) motor fuel fees are exempt from the TSR calculation.

#B&P notes that Sections 142.803 and 144.822 will impact the calculation under Article X, Section 18(e). B&P notes that the net increase in state revenues by this proposal exceeds the limit to revenue growth set forth by Article X, Section 18(e). The limit for the 2021 session is \$111.8M.

#Section 142.824 – Non-Road Fuel Tax Refunds

This provision would allow fuel tax refunds, for vehicles that are not driven on the road, to be filed electronically. This provision would also change the number of days from 30 to 45 before interest begins accruing on the fuel tax refund claims. This section will not impact TSR or the

calculation under Article X, Section 18(e). B&P defers to DOR for any additional specific impacts from this provision.

#Section 142.869 – Alternative Fuel Decal Fees

This provision would increase the alternative fuel decal fees by 20% per year for five years, starting January 1, 2022. B&P notes that alternative fuel decal fees are paid annually in January of each calendar year. Table 5 shows the changes to the decal fees by vehicle type and year.

**#Table 5: Decal Fees**

<b>Decal Type</b>	<b>Current Law</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
Buses	\$150.00	\$180.00	\$216.00	\$259.20	\$311.04	\$373.25
Farm- 18,000 to 36,000	\$100.00	\$120.00	\$144.00	\$172.80	\$207.36	\$248.83
Farm - Greater than 36,000	\$250.00	\$300.00	\$360.00	\$432.00	\$518.40	\$622.08
Greater than 36,000	\$1,000.00	\$1,100.00	\$1,210.00	\$1,331.00	\$1,464.10	\$1,610.51
Passenger, School Bus	\$75.00	\$90.00	\$108.00	\$129.60	\$155.52	\$186.62
Passenger, School Bus, Plug-in Hybrid	\$37.50	\$45.00	\$54.00	\$64.80	\$77.76	\$93.31

Based on information provided by DOR, B&P estimates that this provision will increase revenues from alternative fuel decal fees by \$82,148 in FY 2022. Once fully implemented in FY 2026, this provision will generate \$587,653 in additional revenue. Table 6 shows the estimated revenue per vehicle and year.

**#Table 6: Increased Decal Fee Revenue by Year**

<b>Decal Type</b>	<b># Decals</b>	<b>2022 (FY22)</b>	<b>2023 (FY23)</b>	<b>2024 (FY24)</b>	<b>2025 (FY25)</b>	<b>2026 (FY26)</b>
Buses	133	\$3,990	\$8,778	\$14,524	\$21,418	\$29,692
Farm- 18,000 to 36,000	18	\$360	\$792	\$1,310	\$1,932	\$2,679
Farm - Greater than 36,000	3	\$150	\$330	\$546	\$805	\$1,116
Greater than 36,000	177	\$17,700	\$37,170	\$58,587	\$82,146	\$108,060
Passenger, School Bus	3944	\$59,160	\$130,152	\$215,342	\$317,571	\$440,245
Passenger, School Bus, Plug-in Hybrid	105	\$788	\$1,733	\$2,867	\$4,227	\$5,860
<b>##Total</b>		<b>\$82,148</b>	<b>\$178,955</b>	<b>\$293,176</b>	<b>\$428,100</b>	<b>\$587,653</b>

#Therefore, B&P estimates that this provision will increase revenues to the State Road Fund by \$59,968 and local revenues by \$22,180 in FY 2022. Once fully implemented in FY 2026, this provision will increase revenues to the State Road Fund by \$428,987 and local revenues by \$158,666 annually. Table 7 shows the revenue impacts by fund by year.

**#Table 7: Revenue by Fund**

<b>State Fund</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>#FY27</b>
State Road Fund	\$59,968	\$130,637	\$214,018	\$312,513	\$428,987	\$428,987
<b>Local Funds</b>						
CART	\$9,858	\$21,475	\$35,181	\$51,372	\$70,518	\$70,518
Other	\$12,322	\$26,843	\$43,976	\$64,215	\$88,148	\$88,148
<b>Total Local</b>	<b>\$22,180</b>	<b>\$48,318</b>	<b>\$79,157</b>	<b>\$115,587</b>	<b>\$158,666</b>	<b>\$158,666</b>

#Section 142.1000 – Electric Vehicle Task Force

Section 142.1000 would create the “Electric Vehicle Task Force”. The tax force shall provide a report to the General Assembly and Governor no later than December 31, 2022 with recommendations related to electric vehicle use. The tax force will expire on December 31, 2022. This provision will not impact TSR or the calculation under Article X, Section 18(e).

#Motor Fuel Tax Summary

B&P estimates that this proposal will increase revenues to the State Road Fund by \$56,317,303 and local revenues by \$20,829,687 in FY 2022. Once fully implemented in FY 2027, this proposal will increase revenues to the State Road Fund by \$90,563,539 to \$332,740,737 and local funds by \$33,496,104 to \$123,068,492 annually depending on the number of refund claims. Table 8 shows the impacts by fund and year.



**#Table 8: Total Revenue Generated from Proposed Tax Increases**

State Fund	FY 2022	FY 2023		FY 2024	
		Low	High	Low	High
State Road Fund					
Fuel Tax	\$56,257,336	\$93,036,691	\$141,472,131	\$111,063,602	\$207,934,481
Decal Fee	\$59,968	\$130,637	\$130,637	\$214,018	\$214,018
<b>Total</b>	<b>\$56,317,303</b>	<b>\$93,167,328</b>	<b>\$141,602,768</b>	<b>\$111,277,620</b>	<b>\$208,148,499</b>
<b>Local Funds</b>					
CART					
Fuel Tax	\$9,247,781	\$15,293,703	\$23,255,693	\$18,257,030	\$34,181,011
Decal Fee	\$9,858	\$21,475	\$21,475	\$35,181	\$35,181
Total CART	\$9,257,639	\$15,315,177	\$23,277,167	\$18,292,212	\$34,216,192
Other					
Fuel Tax	\$11,559,726	\$19,117,128	\$29,069,616	\$22,821,288	\$42,726,263
Decal Fee	\$12,322	\$26,843	\$26,843	\$43,976	\$43,976
Total Other	\$11,572,049	\$19,143,972	\$29,096,459	\$22,865,264	\$42,770,240
<b>Total Local</b>	<b>\$20,829,687</b>	<b>\$34,459,149</b>	<b>\$52,373,626</b>	<b>\$41,157,476</b>	<b>\$76,986,431</b>

**#Table 8: Total Revenue Generated from Proposed Tax Increases**

State Fund	FY 2025		FY 2026		#FY 2027	
	Low	High	Low	High	Low	High
State Road Fund						
Fuel Tax	\$129,090,512	\$274,396,831	\$147,117,423	\$340,859,181	\$90,134,553	\$332,311,751
Decal Fee	\$312,513	\$312,513	\$428,987	\$428,987	\$428,987	\$428,987
	<b>\$129,403,025</b>	<b>\$274,709,344</b>	<b>\$147,546,409</b>	<b>\$341,288,168</b>	<b>\$90,563,539</b>	<b>\$332,740,737</b>
<b>Local Funds</b>						
CART						
Fuel Tax	\$21,220,358	\$45,106,328	\$24,183,686	\$56,031,646	\$14,816,639	\$54,626,589
Decal Fee	\$51,372	\$51,372	\$70,518	\$70,518	\$70,518	\$70,518
Total CART	\$21,271,730	\$45,157,700	\$24,254,204	\$56,102,165	\$14,887,157	\$54,697,108
Other						
Fuel Tax	\$26,525,448	\$56,382,911	\$30,229,607	\$70,039,558	\$18,520,799	\$68,283,236
Decal Fee	\$64,215	\$64,215	\$88,148	\$88,148	\$88,148	\$88,148
Total Other	\$26,589,663	\$56,447,126	\$30,317,755	\$70,127,706	\$18,608,946	\$68,371,384
<b>Total Local</b>	<b>\$47,861,393</b>	<b>\$101,604,826</b>	<b>\$54,571,960</b>	<b>\$126,229,870</b>	<b>\$33,496,104</b>	<b>\$123,068,492</b>

#B&P notes that Sections 142.803, 144.822, and 142.869, RSMo, will not impact TSR. B&P notes that under Article IV, Section 30(a) motor fuel fees are exempt from the TSR calculation.

#B&P notes that Sections 142.803, 144.822, and 142.869, RSMo, will impact the calculation under Article X, Section 18(e). B&P notes that the net increase in state revenues by this proposal exceeds the limit to revenue growth set forth by Article X, Section 18(e). The limit for the 2021 session is \$111.8M.

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

Section 142.803 Motor Fuel

The Department of Revenue notes this proposal would keep the current motor fuel tax of seventeen cents per gallon and add a bonus motor fuel tax that phases in over the next seven years. This new phased in tax increases each year on July 1st.

The phased in tax is scheduled to be from October 1, 2021, to June 30, 2022, two and a half cents per gallon; from July 1, 2022, to June 30, 2023, five cents per gallon; from July 1, 2023, to June 30, 2024, seven and a half cents per gallon; from July 1, 2024, to June 30, 2025, ten cents per gallon; from July 1, 2025, to June 30, 2026, twelve and a half cents per gallon. Starting July 1, 2025 this tax would continue at the additional twelve and a half cents into the future.

Currently the seventeen cents per gallon paid on motor fuel is collected at the gas pump and is required to be paid by all. However, those who do not use their vehicle on the highway or state road systems can apply to receive a refund of the tax they paid. Examples of those vehicles that can receive a refund include boats and farm equipment.

Using the amount of taxes collected in 2020, DOR was able to estimate the number of motor fuel gallons sold. Using that data DOR was able to calculate the difference between the current seventeen cents rate and the new bonus tax rate each fiscal year.

The following information was used to calculate the fiscal impact:

<b>Net Amount</b>	<b>FY 2020 - Taxes</b>	<b>2020 Current Tax</b>	<b>2020 # Gallons sold</b>
gallons of gas taxed	\$509,718,525.05	0.17	2,998,344,265
gallons of diesel taxed	\$189,002,719.82	0.17	1,111,780,705
gas/diesel	\$698,721,244.87		4,110,124,970

The Department will use the FY 2020 numbers for calculating this fiscal note. The Department notes these numbers may include economic disruptions caused by the COVID pandemic and stay at home orders that may be one-time occurrences. However, the Department is unable to predict whether those disruptions will have any long-term impact on the number of gallons of motor fuel sold in the future, so the Department assumes any future fiscal impact potentially could exceed the impact calculated for this fiscal note.

Motor Fuel tax money is distributed as follows:

All money goes into Motor Fuel Tax Fund (0673) then is distributed as below:	
Cities 15%	0.15
Counties 12%	0.12
State Road Fund (0320)	0.73
	100%

<b>Fiscal Year</b>	<b>Gas Current Law</b>	<b>Bonus Gas Tax Proposed</b>	<b>Diesel Current Law</b>	<b>Bonus Diesel Tax Proposed</b>
2022	\$0.17	\$0.195	\$0.17	\$0.195
2023	\$0.17	\$0.220	\$0.17	\$0.220
2024	\$0.17	\$0.245	\$0.17	\$0.245
2025	\$0.17	\$0.270	\$0.17	\$0.270
2026	\$0.17	\$0.295	\$0.17	\$0.295

The Department notes that this proposal would change the tax rate at the start of each of each fiscal year. The calculated estimated increase expected to the State Road Fund and to Cities and Counties are as follows:

**Calendar Year**

<b>Calendar Year</b>	<b>State Road Fund</b>	<b>County</b>	<b>Cities</b>	<b>Total</b>
2022	\$75,009,781	\$12,330,375	\$15,412,969	\$102,753,124
2023	\$150,019,561	\$24,660,750	\$30,825,937	\$205,506,248
2024	\$225,029,342	\$36,991,125	\$46,238,906	\$308,259,373
2025	\$300,039,123	\$49,321,500	\$61,651,875	\$411,012,497
2026	\$375,048,903	\$61,651,875	\$77,064,843	\$513,765,621

**Fiscal Year**

<b>Fiscal Year</b>	<b>State Road Fund</b>	<b>County</b>	<b>Cities</b>	<b>Total</b>
2022 (9 months)	\$56,257,336	\$9,247,781	\$11,559,726	\$77,064,843
2023	\$112,514,671	\$18,495,562	\$23,119,453	\$154,129,686
2024	\$187,524,452	\$30,825,937	\$38,532,422	\$256,882,811
2025	\$262,534,232	\$43,156,312	\$53,945,390	\$359,635,935
2026	\$337,544,013	\$55,486,687	\$69,358,359	\$462,389,059
#2027	\$375,048,903	\$61,651,875	\$77,064,843	\$513,765,621

This proposal requires that the bonus tax be collected from everyone at the gas pump. However, it states that this bonus motor fuel tax can be refunded to any person who uses their motor vehicle on the highways.

The intent of this legislation appears to create a refund policy for those that do not want to pay additional motor fuel tax that is similar to the policy for those whose vehicles are not used on the highways.

It should be noted that the motor fuel tax refund would impact the State Road Fund, Cities and Counties as well. Refunds are paid out of the money collected. This proposal states that the refund claim has to be filed after July 1<sup>st</sup> but before September 30<sup>th</sup> of the following fiscal year.

The Department has no data to indicate how many customers will actually apply for the refund. This proposal does however, limit the refund to those whose vehicles are less than 26,000 lbs. The Department notes of the 6,242,364 registered vehicles in Missouri, 5,023,899 would be eligible for this refund. Which include:

Light duty vehicles	4,316,805
Motorcycles	125,466
Van/truck	477,073
Bus	104,555

The Department notes that the State of South Carolina has a similar refund program in which 15% of their citizens applied. For fiscal note purposes the Department will show the range of refunds as the 15% to 100% of those eligible Missourians. This would result in an impact of:

### **Estimated Refunds per Fiscal Year**

<b>Fiscal Year</b>	<b>15%</b>	<b>100%</b>
2022	\$0	\$0
2023	(\$11,708,809)	(\$78,058,726)
2024	(\$23,417,618)	(\$156,117,452)
2025	(\$35,126,427)	(\$234,176,179)
2026	(\$46,835,236)	(\$312,234,905)
#2027+	(\$58,544,045)	(\$390,293,631)

**Summary Impact**

<b>Fiscal Year</b>	<b>Motor Fuel Collected</b>	<b>Potential Refunds Issued</b>
2022	\$77,064,843	\$0
2023	\$154,129,686.37	(\$11,708,809 - \$78,058,726)
2024	\$256,882,810.61	(\$23,417,618 - \$156,117,452)
2025	\$359,635,934.86	(\$35,126,427 - \$234,176,179)
2026	\$462,389,059.11	(\$46,835,236 - \$312,234,905)
#2027	\$565,142,183.35	(\$58,544,045 - \$390,293,631)

It should be noted that the refunds amounts are distributed out of the same funds in the same proportion as the motor fuel tax is distributed.

<b>Fiscal Year</b>	<b>State 15%</b>	<b>State 100%</b>	<b>Cities 15%</b>	<b>Cities 100%</b>	<b>Counties 15%</b>	<b>Counties 100%</b>
2022	\$0	\$0	\$0	\$0	\$0	\$0
2023	(\$8,547,431)	(\$56,982,870)	(\$1,756,321)	(\$11,708,809)	(\$1,405,057)	(\$9,367,047)
2024	(\$17,094,861)	(\$113,965,740)	(\$3,512,643)	(\$23,417,618)	(\$2,810,114)	(\$18,734,094)
2025	(\$25,642,292)	(\$170,948,611)	(\$5,268,964)	(\$35,126,427)	(\$4,215,171)	(\$28,101,141)
2026	(\$34,189,722)	(\$227,931,481)	(\$7,025,285)	(\$46,835,236)	(\$5,620,228)	(\$37,468,189)
2027	(\$42,737,153)	(\$284,914,351)	(\$8,781,607)	(\$58,544,045)	(\$7,025,285)	(\$46,835,236)

Administrative Impact

The Department assumes all administrative costs will come out of General Revenue.

Creating a second motor fuel tax and changing the amount annually will result in additional form and website changes that are estimated to cost **\$2,000** annually.

Currently, to claim a refund for motor fuel, a refund claim form is submitted with all receipts to the Department. A staff person reviews the claim form and all the receipts attached to verify the amount of the refund. An Associate Customer Service Representative can process approximately 4,000 refunds annually.

This proposal grants the Department permission to implement an electronic filing system for the receipt of the refunds. The Department assumes this new electronic system could cost up to **\$500,000** based on similar programs currently in use by the Department.

This proposal also states that the Department must process all of the refund requests in 45 days. Failure to process the returns in the 45 day period will result in the Department paying interest on the claims. The amount of interest owed annually is **unknown could exceed \$10,000**.

Due to the expected volume of refunds, the limited filing periods for turning in claim forms, the short turn-around time for processing the refunds and the fact the electronic filing is not mandatory, the Department assumes it will need 15-20 Associate Customer Service Representatives in Processing and 3-5 Additional Auditors.

These FTE numbers could be substantially higher if money is not appropriated for the electronic filing system.

#### Section 142.869 Alternative Fuel Decal Fees

This provision increases the alternative fuel decal fees that are owed by vehicles that do not use motor fuel (gas, diesel) starting January 1, 2022. These alternative fuel decal fees are used for electric, LP, natural gas and hybrid vehicles plus plug-in vehicles. Under current law, the alternative fuel decal fee is owed in January of each year.

The Department pro-rates the fee based on when a person receives the decal. This proposal states that the fees will increase 20% a year for five years for most vehicles and 10% for five years for vehicles in excess of 36,000 pounds.

Therefore the fee structure will be:

Decal Type	Current Fee	New Fee Amounts				
		First Year	Second Year	Third Year	Fourth Year	Fifth year
Buses (Local, Comm, Transit) & NonFarm - 18,0000 to 36,000	\$150.00	\$180.00	\$216.00	\$259.20	\$311.04	\$373.25
Farm- 18,000 to 36,000	\$100.00	\$120.00	\$144.00	\$172.80	\$207.36	\$248.83
Farm - Greater than 36,000	\$250.00	\$300.00	\$360.00	\$432.00	\$518.40	\$622.08
Greater than 36,000	\$1,000.00	\$1,100.00	\$1,210.00	\$1,331.00	\$1,464.10	\$1,610.51
Passenger, School Bus, 18,000 or less	\$75.00	\$90.00	\$108.00	\$129.60	\$155.52	\$186.62
Passenger, School Bus, 18,000 or less	\$37.50	\$45.00	\$54.00	\$64.80	\$77.76	\$93.31

Using the 2019 decal numbers issued by the Department, DOR was able to estimate the fiscal impact from this provision.

Decal Type	Decals
Buses (Local, Comm, Transit) & NonFarm - 18,0000 to 36,000	133
Farm- 18,000 to 36,000	18
Farm - Greater than 36,000	3
Greater than 36,000	177
Passenger, School Bus, 18,000 or less	3,944
Passenger, School Bus, 18,000 or less	105
<b>Totals</b>	<b>4,380</b>



Decal Type	Decals	Increased Revenue Per Year				
		First Year	Second Year	Third Year	Fourth Year	Fifth year
Buses (Local, Comm, Transit) & NonFarm - 18,000 to 36,000	133	\$3,990.00	\$8,778.00	\$14,523.60	\$21,418.32	\$29,691.98
Farm- 18,000 to 36,000	18	\$360.00	\$792.00	\$1,310.40	\$1,932.48	\$2,678.98
Farm - Greater than 36,000	3	\$150.00	\$330.00	\$546.00	\$805.20	\$1,116.24
Greater than 36,000	177	\$17,700.00	\$37,170.00	\$58,587.00	\$82,145.70	\$108,060.27
Passenger, School Bus, 18,000 or less	3,944	\$59,160.00	\$130,152.00	\$215,342.40	\$317,570.88	\$440,245.06
Passenger, School Bus, 18,000 or less	105	\$787.50	\$1,732.50	\$2,866.50	\$4,227.30	\$5,860.26
<b>Totals</b>	<b>4,380</b>	<b>\$82,147.50</b>	<b>\$178,954.50</b>	<b>\$293,175.90</b>	<b>\$428,099.88</b>	<b>\$587,652.79</b>

It should be noted that the alternative fuel decal fee is distributed to the State Road Fund, Cities and Counties just as motor fuel is proportionally distributed.

Fiscal Year	State Road Fund	Cities (15%)	Counties (12%)
2022	\$59,967.68	\$12,322.13	\$9,857.70
2023	\$130,636.79	\$26,843.18	\$21,474.54
2024	\$214,018.41	\$43,976.39	\$35,181.11
2025	\$312,512.91	\$64,214.98	\$51,371.99
2026	\$428,986.53	\$88,147.92	\$70,518.33

Section 142.1000 Electric Vehicle Task Force

The Department is required to submit a report to the General Assembly by December 31, 2022 (FY 2023). The Department assumes an impact of **\$10,000** for the paying of expenses for this task force. For the simplicity of the fiscal note expenses of the task force will be shown in FY 2022.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DOR for the increased revenues. However, Oversight will range the refund rate from 20% to 40% on the fiscal note. For simplicity, Oversight will not show the transfer of funds from the Motor Fuel Tax Fund to the State Road Fund and Cities and Counties on the fiscal note.

Oversight will reflect the 23 FTE indicated by DOR in their fiscal impact response.

Officials from the **Missouri Highway Patrol (MHP)** assume the following increase in fuel costs to the Patrol are based on the Patrol's FY 2020 fuel usage of 2,040,517 gallons of fuel.

Year one - (\$0.025 per gallon increase) - \$51,012.93 additional expenditure. Because the increase becomes effective on October 1st, 2022, the first year impact is for the 9 months only (\$38,260).

Each additional year would add an additional \$51,012.93 to the Patrol's expenditures.

The breakdown would be 80% paid with Highway Funds, 10% each paid with Gaming and General Revenue funds.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the cost estimates as provided by MHP. Based on MHP's total amount of fuel used in FY 2020, Oversight was able to calculate the increased costs of fuel tax to the MHP:

<b>Fiscal Year</b>	<b>Highway Fund</b>	<b>Gaming</b>	<b>General Revenue</b>
2022 (9 months)	\$30,608	\$3,826	\$3,826
2023	\$81,621	\$10,203	\$10,203
2024	\$122,431	\$15,304	\$15,304
2025	\$163,241	\$20,405	\$20,405
2026	\$204,052	\$25,506	\$25,506

Officials from the **Missouri Department of Conservation** assume this proposal will have a negative fiscal impact of "Less than \$250,000" on their organization due to the increased cost of diesel fuel.

**Oversight** does not have any information to the contrary in regards to MDC's assumptions; therefore, Oversight will reflect a negative "Unknown" cost on the fiscal note. Oversight will reflect this potential impact to Various State Funds (includes MDC, DNR, MoDOT, etc. as well as local political subdivisions).

Officials from the **Missouri Department of Transportation** defer to DOR for the potential fiscal impact of this proposal.

In response to a previous version, officials from the **Office of Administration** assumed the proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency for this section.

Officials from the **Office of the Governor, Missouri House of Representatives** and **Missouri Senate** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** notes if the average vehicle is driven 13,500 miles per year, and averages approximately 25 mpg, the average owner will pay an additional \$13.50 in new tax per 2.5 cents in increased fuel tax. At the end of all of the increases (5 years), the same driver would pay an additional \$67.50 per year per vehicle (\$135 for a two-vehicle household).

	Vehicle 1	Vehicle 2	Total
	13,500	13,500	
\$0.025	\$13.50	\$13.50	\$27.00
\$0.05	\$27.00	\$27.00	\$54.00
\$0.075	\$40.50	\$40.50	\$81.00
\$0.10	\$54.00	\$54.00	\$108.00
\$0.125	\$67.50	\$67.50	\$135.00

**Oversight** notes the state of South Carolina implemented a similar program. South Carolina increased its motor fuel tax by 2 cents each year starting in FY 2017. It was \$0.16 per gallon in FY 2016, and will increase by 2 cents each year until it reaches a total of \$0.28 cents in FY 2022. South Carolina residents can submit a refund application each year for the lesser of their increased motor fuel taxes paid or their preventive maintenance performed on their motor vehicles. Oversight notes a relatively small number of refunds were issued under this program (for 2018, only 80,600 refunds were paid totalling \$2 million and for FY 2020, only 79,000 refunds were paid totalling \$3.4 million). Oversight notes South Carolina had an annual appropriated limit on its refunds, and the refunds were allowed to the lesser of the increase in fuel tax residents paid and their preventative maintenance spent on their vehicles. Oversight assumes the number of applications for refunds may grow as the fuel tax increase grows.

Sections 301.192, 301.280, 302.755, 407.526, 407.536 and 407.556, RSMo.

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

Motor Vehicle Bureau - Administrative Impact

To incorporate the necessary changes various department systems and procedures will need modifications to apply the changes.

FY2022 – Motor Vehicle Bureau (MVB)

Associate Research/Data Analyst	62 hrs. @ \$18.50 per hr.	= \$1,147
Research/Data Analyst	16 hrs. @ \$23.09 per hr.	= \$ 369
Administrative Manager	8 hrs. @ \$21.57 per hr.	= \$ 173
Total		

\$1,689

FY 2022 – Strategy and Communications Bureau

Research/Data Assistant	4 hrs. @ \$15.49 per hr.	= \$ 62
Associate Research/Data Analyst	13 hrs. @ \$18.50 per hr.	= <u>\$ 241</u>
Total		\$ 303

The Motor Vehicle Bureau notes OA-ITSD services will be required at a cost of **\$15,288** in FY 2022 (160.93 hours x \$95 per hour).

Driver License Bureau - Administrative Impact

This new disqualification is mandated per Federal Motor Carrier Safety Regulation changes defined in 49 CFR §383.51 with a mandatory compliance date of September 23, 2022. The Department has no available data that would help us determine the potential volume of drivers who may be convicted under this new provision, but assumes it will be minimal enough to not require additional FTE. If the increase is more significant than anticipated, additional FTE may be requested through the appropriations process.

To implement the proposed legislation, the Department will be required to:

- Complete programming and user acceptance testing of MODL to develop a new action type and MODL code for cdl disqualification for trafficking of persons,
- Update driver history and CDL disqualification evaluation routines;
- Test programs for inbound and outbound conviction processing and driver history eligibility evaluations in MODL and MAI;
- Update interactive applications for automated responses to customers through telephone system (current vendor Genesys) or online (DORA),
- Work with OSCA to ensure courts are informed of the new lifetime disqualification;
- Update the Department website,
- Update form 5231 Commercial Operators and the Law Brochure and form 899 Missouri Driver Record Traffic Violation Descriptions and Points Assessed; and
- Update the Missouri Commercial Driver License Manual.

FY 2022 – Driver License Bureau

Research/Data Analyst	160 hrs. @ \$23.82 per hr.	= \$3,053
Research/Data Assistant	160 hrs. @ \$15.98 per hr.	= <u>\$2,557</u>
Total		= \$5,610

FY 2022 – Personnel Services Bureau

Associate Research/Data Analyst	60 hrs. @ \$19.08 per hr.	= \$1,145
Research/Data Assistant	20 hrs. @ \$15.98 per hr.	= <u>\$ 320</u>
Total		= \$1,465

**Total Costs** = **\$7,075**

**Oversight** assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note.

**DOR** (Driver License Bureau) notes OA-ITSD services will be required at a cost of **\$26,881** in FY 2022 (282.96 hours x \$95 per hour).

**Oversight** does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will reflect DOR's OA-ITSD costs of **\$42,169** (\$15,288 for the Motor Vehicle Bureau + \$26,881 from the Driver License Bureau) on the fiscal note.

In response to a similar proposal from 2021 (SB 370), officials from the **Missouri Department of Transportation** and **Missouri Highway Patrol** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL</u> <u>IMPACT – State</u> <u>Government</u>	FY 2022 (9 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2027)
<b>GENERAL REVENUE FUND</b>				
Cost – DOR – OA-ITSD services p. 20	(\$42,169)	\$0	\$0	\$0
Cost – MHP – increased motor fuel costs p. 17	(\$3,826)	(\$10,203)	(\$15,304)	(\$20,405)
<u>Cost – DOR – FTE to process increase in motor fuel tax refunds</u>				
Personal Service	(\$517,960)	(\$627,768)	(\$634,045)	(\$653,257)
Fringe Benefits	(\$404,232)	(\$486,492)	(\$488,610)	(\$491,567)
E&E	(\$723,357)	(\$11,293)	(\$11,575)	(\$12,465)
Form Changes	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)
Potential Interest Fees	(Unknown to could exceed \$10,000)	(Unknown to could exceed \$10,000)	(Unknown to could exceed \$10,000)	(Unknown to could exceed \$10,000)
Electronic Filing System	(\$500,000)	\$0	\$0	\$0
Total Costs – DOR	(Could exceed \$2,157,549)	(Could exceed \$1,137,553)	(Could exceed \$1,146,230)	(Could exceed \$1,169,289)
FTE Change – DOR	23 FTE	23 FTE	23 FTE	23 FTE
Cost – DOR – task force	(\$10,000)	\$0	\$0	\$0
<b>ESTIMATED NET EFFECT TO GR FUND</b>	<b>(Could exceed \$2,213,544)</b>	<b>(Could exceed \$1,147,756)</b>	<b>(Could exceed \$1,161,534)</b>	<b>(Could exceed \$1,189,694)</b>
Estimated Net FTE Change to the General Revenue Fund	23 FTE	23 FTE	23 FTE	23 FTE



<u>FISCAL</u> <u>IMPACT – State</u> <u>Government</u>	FY 2022 (9 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2027)
<b>STATE ROAD FUND</b>				
<u>#Revenue –</u> increased motor fuel tax p. 12	\$56,257,336	\$112,514,671	\$187,524,452	#\$375,048,903
<u>Revenue –</u> increased alternative fuel decals p. 16	\$59,968	\$130,637	\$214,018	\$428,987
<u>#Loss –</u> refunds for motor fuel tax p. 16	\$0	(\$11,251,467 to \$22,502,934)	(\$22,502,934 to \$45,005,868)	#\$75,009,781 to #\$150,019,561)
<b>#ESTIMATED NET EFFECT ON THE STATE ROAD FUND</b>	\$56,317,304	\$90,142,374 to \$101,393,841	\$142,732,602 to \$165,235,536	#\$225,458,329 to #\$300,468,109
<b>OTHER STATE FUNDS</b>				
<u>Cost -</u> Various state departments - potential increase in fuel costs p. 17	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON THE OTHER STATE FUNDS</b>	(Unknown)	(Unknown)	(Unknown)	(Unknown)



<u>FISCAL IMPACT – Local Government</u>	FY 2022 (9 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2027)
<b>CITIES AND COUNTIES</b>				
<u>#Revenue</u> (Cities 15%) – increased motor fuel tax	\$11,559,726	\$23,119,453	\$38,532,422	#\$77,064,843
<u>#Revenue</u> (Counties 12%) – increased motor fuel tax	\$9,247,781	\$18,495,562	\$30,825,937	#\$61,651,875
<u>Revenue</u> (Cities 15%) – increased alternative fuel decal fees	\$12,322	\$26,843	\$43,976	\$88,148
<u>Revenue</u> (Counties 12%) – increased decal fees	\$9,858	\$21,475	\$35,181	\$70,518
<u>Cost</u> - potential increase in costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>#Loss</u> (Cities 15%) – refunds for motor fuel tax	\$0	(\$2,311,945 to \$4,623,890)	(\$4,623,891 to \$9,247,781)	#\$15,412,969 to #\$30,825,937)
<u>#Loss</u> (Counties 10%) – refunds for motor fuel tax	\$0	(\$1,849,556 to \$3,699,112)	(\$3,699,112 to \$7,398,225)	#\$12,330,375 to #\$24,660,750)
<b>#ESTIMATED NET EFFECT ON CITIES AND COUNTIES</b>	<b><u>Less than \$20,829,687</u></b>	<b><u>\$33,340,331 to \$37,501,832</u></b>	<b><u>\$52,791,510 to \$61,114,513</u></b>	<b><u>#\$83,388,697 to \$111,132,040</u></b>

FISCAL IMPACT – Small Business

Small businesses could pay more for motor fuel as a result of this proposal.

FISCAL DESCRIPTION

This proposal enacts an additional tax on motor fuel and provides for an exemption and refund process for the additional tax.

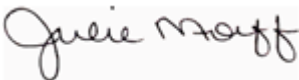
This proposal also enacts provisions relating to motor vehicles and commercial drivers' licenses.

Sections 301.192, 301.280, 302.755, 407.526, 407.536 and 407.556 has an emergency clause.

This legislation is partially federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue  
Office of Administration - Budget and Planning  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri Highway Patrol  
Office of the Secretary of State  
Joint Committee on Administrative Rules  
Office of Administration



Julie Morff  
Director  
April 6, 2021



Ross Strobe  
Assistant Director  
April 6, 2021